

Appl. No.: 10/621,509

Applicant : Yaron Mayer

Reply to Office action of Nov. 17, 2006

REMARKS/ARGUMENTS

1. Regarding your notice of Apr. 10, 2007 about the interview summary of our phone conversation of Apr. 6, 2007 regarding the “if” statements in the claims, I have incorporated the interview summary regarding this application within my remarks/arguments below.
2. Regarding your rejection of claims 1-3, 7-11, 17-18, 21-22 and 46-55 based on 35 USC 112 as being indefinite and based on grammatical errors, I have corrected the claims accordingly as instructed. In addition, I have further clarified the scope of some of the dependent claims by amending the word “each” in a number of places in order to avoid the possibility that someone might interpret this word too narrowly. The support for this is at least that there is no need for the word “each” according to the specification and/or the word “preferably” was used in that context, and that the Definitions and clarification section (page 9 in the specification) states quite explicitly that **“Through out the patent whenever variations or various solutions are mentioned, it is also possible to use various combinations of these variations or of elements in them, and when combinations are used, it is also possible to use at least some elements in them separately or in other combinations. These variations can be in different embodiments, or different versions of the software, or sometimes different options available to choose from. In other words: certain features of the invention, which are described in the context of separate embodiments, may also be provided in combination in a single embodiment. Conversely, various features of the invention, which are described in the context of a single embodiment, may also be provided separately or in**

any suitable sub-combination” (my emphasis). In addition, I found a typing error in the specification in the second line from the bottom on page 26 of the application – the word “bluetooth” was entered by mistake as “blutooth”, so I am attaching this page again with this word corrected (both a version with track changes and a clean version). However, I would like to point out that the use of the word “that” in claims 7 & 21 is not different from in any of the other claims – i.e. the word “that” is not used as a pronoun but is used the same way as “who” or “which” – for adding a description, and so this is very clear, and in fact using a less common word might in fact make it less clear.

In addition, I would like to point out that the word “if” in the context used is in fact very clear to those skilled in the art since it is quite common for a computer system to check if various conditions exist and/or to behave differently based on various conditions, and these expressions are also made clear by the way they are used in the specification, and therefore changing these common words to various expressions that try to avoid using the word “if” would actually make these expressions strange and much less understood to those skilled in the art. Therefore, I respectfully submit that there is no basis for stating that the specification does not provide a standard for ascertaining the requisite degree or that someone skilled in the art would not reasonably understand it. I also asked my patent attorney about this and he confirmed that to the best of his knowledge there is no rule against using the word “if” and that as far as he can tell it does not cause any ambiguity and there is no better way of phrasing these claims more clearly. I would also like to remind you that in our phone conversation of Apr. 6, 2007 you agreed that the sections with the word “if” in the claims appear to be clear enough in general, except for clause d of claim 1, where you suggested that I add the words ‘or not’ at the end of the clause, but in our second phone conversation of Apr. 17, 2007 you agreed that there is no need to add these two words since clause e gives a result, and you also said that in general there should be no problem with the clauses that contain the word “if” as long as there is a result. I have therefore checked again the clauses that contain the word “if”

and as far as I understand there is indeed always a result, so there should be no problem. In our phone conversation of Apr. 17, 2007 you also requested that I correct the word ‘can’ in clause d of claim 1 to ‘capable’. I have therefore made this correction also.

3. I would also like to point out that new dependent claim 56 contains a subset of combinations that already existed in dependent claims 8 and 11, so no new consideration or search are needed, and since the independent claims should be allowed, the dependent claims should also be allowed since they recite additional patentable matter over the independent claims, and therefore I request that this claim should also be allowed.
4. Regarding the double patenting issue of claims 1-3, 7-11, 17-18, 21-22 and 46-55, I would like to point out there is no problem of timewise extension because both applications are a CIP of the same basic PCT application PCT/IL 01/00572 and start from the same first priority (Israeli patent application 136945 of June 22, 2000) and therefore the patent term of both applications will end at the same time anyway. I would also like to remind you that in our phone conversation of Apr. 17, 2007 I explained this to you and you said that I can enter this argument in my reply, but that you don’t know if the patent office will accept this and so it is safer to file the disclaimer. Therefore, to be on the safe side I am also attaching the terminal disclaimer. Also, it is not clear to me if I have to pay the \$65 fee with the disclaimer, since the page at
[http://www.bitlaw.com/source/37cfr/1_20.html#\(d\)](http://www.bitlaw.com/source/37cfr/1_20.html#(d)) which quotes the relevant fee of 37CFR 1.20 (d) is entitled “Post issuance fees”, so perhaps the fee is required only if filed after issuance, and also the terminal disclaimer form itself from the USPTO web site (SB25) seems to indicate that payment is optional, so to be on the safe side I am attaching also the \$65, but please refund me if I don’t have to pay it.

Therefore, I respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Yaron Mayer

range. So if for example it is a blonde girl that looks a certain age, preferably the user can ask for example that only the devices of blonde girls that are available for dating and within a certain age limits reply. The query is then preferably transmitted by the bluetooth (or other short range communication) to all the devices in the vicinity that are in range, and each device checks if its user is marked available for dating, and then if he/she fits the definitions, before broadcasting the reply to the question described above (such as for example is the person available, what is his/her education, what is his/her field of study or work, etc.). Preferably there is a different answer if the person is not available than if he/she is not a member of the system, otherwise a lack of reply could mean ambiguously both of these possibilities. Another possible variation is that the phone (or a preferably small and non-conspicuous add-on coupled to the phone) enables the user to point his/her device directly at the direction of the person that caught his/her eye, which preferably transmits some Id code and/or the phone number of the user who points it, and preferably sensors on that device of the person that was pointed to can find out that someone pointed the device and reply to the query directly with its own Id and/or phone number, etc. This pointing device can be based for example on infrared or on a directional short range wireless antenna. (This can work also on other devices even without the cellular network, such as for example palm devices that are bluetooth enabled even if they are not connected to the cellular network, or special gadgets for dating). However this is less desirable, since at least some people might be embarrassed to buy a special device for that and/or embarrassed to be seen pointing the phone at someone. Another possible variation is to implement it for example on the level of cells or groups of cells, so that the cellular phones know that they are close to each other for example by getting the information from the cellular company's cells. Another possible variation is to run the matching normally, but when dates are found that according to the info from the cells and/or for example from the GPS and/or for example from the bluetooth indication (or other short range communication technology) are also very close to the user, these dates are preferably for example marked with a special conspicuous sign (for example in the search results list and/or or in the contactee list) and/or moved to a special category on top of the list of date search results and/or in the contactee list, or their score for match on area is increased by a certain factor and simply incorporated in the total compatibility score. In this version, preferably dates that are close for example by bluetooth indication are given even a more emphasized mark and/or moved higher to the top than dates who are only close by info from the cells.

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